

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SUBCOMMITTEE RECOMMENDATION

FOR

HOUSE BILL NO. 3000

By: Worthen

SUBCOMMITTEE RECOMMENDATION

An Act relating to driving under the influence; amending 47 O.S. 2021, Section 6-212.5, as amended by Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-212.5), which relates to the Impaired Driver Accountability Program; setting certain date; modifying use and deposit of fees collected; modifying type of certification required for certain medical exemption; removing authorization limiting use of medical exemption; modifying name of responsible entity; authorizing the Board of Tests for Alcohol and Drug Influence to promulgate certain rules; authorizing the charging of certain fees; prohibiting the licensing of certain providers; authorizing Board to prescribe certain standards and conditions; authorizing Board to prescribe and approve certain education and training; requiring Board establish certain standards and qualifications; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-212.5, as amended by Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-212.5), is amended to read as follows:

Section 6-212.5 A. The Impaired Driver Accountability Program (IDAP) established by the Department of Public Safety is hereby

1 transferred to the Board of Tests for Alcohol and Drug Influence for
2 impaired driving arrests occurring on or after November 1, 2022.

3 The Board of Tests for Alcohol and Drug Influence shall charge an
4 administrative fee of One Hundred Fifty Dollars (\$150.00) to each
5 person entered into IDAP. ~~One Hundred Dollars (\$100.00) of each~~
6 ~~administrative fee shall be deposited in the General Revenue Fund of~~
7 ~~the State Treasury. Twenty-five Dollars (\$25.00) of each~~
8 ~~administrative fee shall be deposited in the Department of Public~~
9 ~~Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of~~
10 ~~each administrative fee shall be deposited in the Board of Tests for~~
11 ~~Alcohol and Drug Influence Revolving Fund. IDAP fees collected by~~
12 the Board may be budgeted and expended by the Board of Tests for
13 Alcohol and Drug Influence for operating expenses of the Board.
14 IDAP fees received in excess of Five Hundred Thousand Dollars
15 (\$500,000.00) each fiscal year shall be deposited in the General
16 Revenue Fund of the State Treasury. The Board of Tests for Alcohol
17 and Drug Influence shall promulgate rules necessary to administer
18 the program ~~and such rules as are necessary relating to ignition~~
19 ~~interlock devices and the providers of such devices, including fees.~~

20 The IDAP rules shall require, at a minimum:

- 21 1. Installation of an approved ignition interlock device for
22 the periods set forth in Section 6-205.1 of this title;
- 23 2. A description of ignition interlock violations;

1 3. A description of criteria to determine acceptable
2 participation in the program;

3 4. Required violation free periods of no less than ninety (90)
4 days at the end of each program to demonstrate compliance by the
5 participant;

6 5. Criteria for medical exemptions from ignition interlock
7 requirements for persons submitting a ~~physician's~~ pulmonologist's
8 certification indicating the person has a documented medical
9 condition preventing the person from providing a breath sample of at
10 least one and two-tenths (1.2) liters. Medical exemptions shall not
11 be construed to grant the person driving privileges during the
12 revocation. ~~Medical exemptions under this paragraph are only~~
13 ~~authorized for revocations imposed in accordance with paragraph 1 of~~
14 ~~subsection A of Section 6-205.1 of this title;~~

15 6. Criteria for granting employer exceptions to ignition
16 interlock requirements in vehicles owned or leased by the employer.
17 Employer exceptions under this paragraph shall not be construed to
18 relieve the person from completing the Impaired Driver
19 Accountability Program. Employer exceptions under this paragraph
20 are only authorized for revocations imposed in accordance with
21 paragraph 1 of subsection A of Section 6-205.1 of this title; and

22 7. Criteria for granting affordability accommodations to
23 persons on public assistance programs or whose family income is at
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1 or below one hundred fifty percent (150%) of the federal poverty
2 level.

3 B. Upon successful completion of the program, in accordance
4 with the rules of the Board of Tests for Alcohol and Drug Influence,
5 the person will be provided a completion certificate. Upon
6 presentation of the IDAP completion certificate and documentation
7 required by Section 6-212.2 of this title and payment of the
8 required statutory fees, ~~the Department~~ Service Oklahoma will
9 reinstate the driving privileges of the person, if otherwise
10 eligible.

11 C. The Board is authorized to promulgate rules necessary to
12 regulate ignition interlock devices and the providers of such
13 devices, which shall be subject to suspension or revocation in
14 accordance with the rules promulgated by the Board. The Board is
15 authorized to charge appropriate fees for operations incidental to
16 its required duties and responsibilities. No interlock provider
17 utilizing a lease, clause, or contractual agreement that authorizes
18 the provider to impound, physically immobilize, or seize a vehicle
19 for outstanding debts or arrears may be licensed by the Board.

20 D. The Board is authorized to prescribe uniform standards and
21 conditions for, and to approve satisfactory methods, procedures,
22 techniques, devices, equipment and records for ignition interlock
23 device performance and data.

1 E. The Board is authorized to prescribe and approve the
2 requisite education and training for the performance of ignition
3 interlock services. The Board shall establish standards and
4 ascertain the qualifications and competence of individuals who
5 provide ignition interlock services and to issue permits to such
6 individuals and service centers which shall be subject to suspension
7 or revocation in accordance with the rules promulgated by the Board.

8 SECTION 2. This act shall become effective November 1, 2024.

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